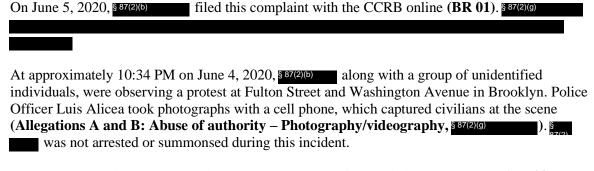
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
McKenzie Dean		Squad #2	202100445	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Thursday, 06/04/2020 10:34 PM		Fulton Street and Wash	nington Avenue	88	12/4/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	Date/Time	Received at CCF	₹B
Wed, 06/17/2020 1:02 PM		CCRB	Phone	Wed, 06/1	7/2020 1:02 PM	
Complainant/Victim	Type	Home Addre	ess			
Vitness(es) Home Address						
Subject Officer(s)	Shield	TaxID	Command			
1. POM Luis Alicea	00339	929604	088 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Clifford Perch	17833	930929	088 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	ımendation
A.POM Luis Alicea		Abuse: Police Officer Luis Alicea took photographs/recordings of § 87(2)(b)				
B.POM Luis Alicea		se: Police Officer Luis Alicea took tographs/recordings of individuals				

Case Summary



Four cell phone videos were provided by The footage is in IAs #281-284 (**BR 03**; **BR 04**; **BR 05**; **BR 06**) and are summarized in IA #49 (**BR 02**). The nature of the incident did not require the use of BWC as per the Patrol Guide.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Luis Alicea took photographs/recordings of

Allegation (B) Abuse of Authority: Police Officer Luis Alicea took photographs/recordings of individuals.

On June 5, 2020, [87(2)(5)] provided a telephone statement (**BR 07**). On June 17, 2020, [87(2)(5)] was interviewed by the CCRB (**BR 08**). Police Officer Luis Alicea was interviewed on October 1, 2020 (**BR 09**).

It is undisputed that Police Officer Alicea, and his partner, Police Officer Clifford Perch, were standing on the corner of Washington Avenue and Fulton Street during a protest. Police Officer Alicea took photographs of the scene on his personal phone.

stated that while she was standing at the incident location observing a protest, she observed Police Officer Alicea appearing to be taking videos and/or photographs herself and other bystanders on a cell phone. [887(2)(5)] took a video and photograph of Police Officer Alicea doing this (BR 14).

Police Officer Alicea stated he took photographs of himself and other officers at the intersection of Washington Avenue and Fulton Street, but he denied taking any videos. He said the photographs were taken on his personal cell phone for "personal" reasons and he did not take any with his departmental phone. Police Officer Alicea acknowledged that civilians were captured in these photographs he took during the incident. Police Officer Alicea said he took multiple photographs in succession, essentially creating a panorama of the scene. During his CCRB interview, he viewed the video and photograph provided by [887(2)(6)] and stated that they depicted him taking photographs on his personal phone. When asked what his understanding of when an officer could take photographs on his personal phone while on duty, Police Officer Alicea stated that he did not know of anything that said whether he could or could not do so.

Patrol Guide Procedure 203-06 (**BR 10**) states officers are prohibited from using any personal electronic/digital device to record video and/or audio or take photographs during any police encounter.

Patrol Guide Procedure 212-71 (**BR 11**) states use of video and/or photographic equipment by operational personnel at demonstrations is appropriate only if a permissible operational objective exists. Video and/or photographic equipment authorized to be used pursuant to this procedure may only be operated by TARU personnel.

§ 87(2)(g)			
Police C subject i substant	he first CCRB case to Officer Luis Alicea ha In six other CCRB con iated. \$37(2)(9) 201808535 involved inanimate object) aga	n and Officer CCRB Histories which \$87(2)(6) has been a general base of service for 1 general formulations and 12 other allegations two substantiated force allegation inst Police Officer Alicea for whas yet to render a disposition or	8 years and has been a s, two of which have been ans (chokehold and hit against hich the Board recommended
According historyAs of F	se was not suitable foing to the Office of Coffice of Coffice of Coffice on New	ourt Administration (OCA), \$37(2) ov York City (BR 13). per the NYC Comptroller's Office	does not have any
Squad No.:	2		
Investigator: _	Inv. Dean Signature	Inv. Dean Print Title & Name	2/18/21 Date
Squad Leader: <u>A</u>	Alexander Opoku-Agy Signature	<u>IM Alexander Opoku-A</u> Print Title & Nam	
Reviewer: _	Signature	Print Title & Name	Date